



VEHICLE REPRESENTATIVE LICENSE HANDBOOK

APPLICATION REQUIREMENTS FOR VEHICLE REPRESENTATIVE LICENSE

PURPOSE

The purpose of this pamphlet is to assist the prospective vehicle representative by describing the requirements to obtain a vehicle representative license from the Department of Motor Vehicles (DMV).

WHAT IS A VEHICLE REPRESENTATIVE?

A “**vehicle representative**” is any person regularly employed by a manufacturer or distributor for the purpose of negotiating or promoting the sale of the manufacturer’s or distributor’s vehicles to their franchisees or for regularly supervising or contacting franchisees or prospective franchisees in this state for any purpose. *CVC Sections 512, and 11900 et seq.*

BACKGROUND INVESTIGATION

A background investigation is conducted on all applicants. Failure to disclose convictions or providing incorrect information on the application may result in the refusal or denial of your license. The department may refuse to issue a license to any applicant who has been convicted of a crime or committed any act or engaged in any conduct involving moral turpitude which is substantially related to the qualifications or duties of the licensed activity. A conviction based on plea of nolo contendere is a conviction within the meaning of this section. Persons previously working under a license issued by DMV, which was revoked or suspended for cause may also be denied a license. *CVC Section 11902* In addition, the California Code of Regulations (CCR) and other sections of the California Vehicle Code provides guidelines used by the department in determining whether a license should be issued. *CCR, Title 13, Chapter 1.*

REQUIREMENTS FOR A VEHICLE REPRESENTATIVE

CVC Section 11900 et seq.

Every applicant for a vehicle representative’s license **must**:

- < File an application on the appropriate form with the department. *CVC Section 11901 et seq.*
- < Pay all required fees.

VEHICLE REPRESENTATIVE’S LICENSING FEES

The fees to become a vehicle representative are:

- < \$50 Non-refundable application fee
- < \$ 1 Family Support Program fee
- < \$50 Reinstatement license fee

The Family Support Program fee is paid on original, renewal, and reinstatement applications.

VEHICLE REPRESENTATIVE’S LICENSE FORMS

An application for a vehicle representative license consists of the following forms:

- < **OL 16**, Application for an Occupational License
- < Live Scan Fingerprint Receipt

VEHICLE REPRESENTATIVE RENEWAL FEES

The fees to renew a vehicle representative license are:

< \$ 1 Family Support Program fee

< \$85 Renewal application fee

The Family Support Program fee is paid on original, renewal, and reinstatement applications.

VEHICLE REPRESENTATIVE LICENSE - FREQUENTLY ASKED QUESTIONS

Listed below are the most frequently asked questions. This list is not all inclusive nor is it intended to be. If you have any questions, please contact your local Inspector or call (916) 657-6530.

Where can I obtain application forms?

All forms and application packages can be ordered by calling (916) 657-6530 or printed or downloaded from the internet. Further licensing information is contained in the application package.

How long will it take for the department to process my application?

The average time for processing an application may be up to 120 days to allow the Department time for investigation and processing of the license.

Does the department issue temporary permits?

Pending the satisfaction of the department that the applicant has met the requirements for the license, the department may issue a temporary permit for a period not to exceed 120 days while it completes its investigation and determination of all facts relative to the qualifications of the applicant for the license. *CVC Section 11902(5)(c)*

Where do I file my application?

Application packages for vehicle representatives are submitted at your local Department of Motor Vehicles field office.

Where do I call if I have questions?

If you have general licensing questions please call (916) 657-8881.

What is the license renewal period?

The vehicle representative's license is valid for one year. Renewals occur during June of each year. *CVC Sections 11904 and 11905.*

How do I renew my license?

About 45 days before the expiration of your license you should receive a courtesy notice for renewal. After you complete the courtesy notice, you will need to mail your renewal form and fees to:

Department of Motor Vehicles
Occupational Licensing Branch
P.O. Box 932342
Sacramento, CA 94232-3420

If you do not receive a courtesy notice please call (916) 657-8881.

What is live scan fingerprinting?

Live Scan is inkless electronic fingerprinting. The fingerprints are electronically transmitted to the Department of Justice (DOJ) for completion of a criminal record check.

Who is affected by it?

Anyone applying for the first time to be licensed as a vehicle salesperson, dealer, driving instructor or any other vehicle industry related occupation licensed by DMV will be live scan fingerprinted. It also applies to first time applicants for an ambulance driver certificate.

Why “Live Scan” fingerprinting?

As a result of legislation in late 1997, DOJ has developed an automated background check process that requires digitized fingerprints (“Live Scan”). Beginning January 1, 2000, DOJ has asked that fingerprints be submitted by Live Scan rather than hard copy fingerprint cards. Digitizing the fingerprints enables the electronic transfer of the fingerprint image data along with personal descriptor information to computers at the DOJ in a matter of seconds, instead of the days required to send hard copy fingerprint cards through the mail. DOJ’s goal is to process 95% of the digitized fingerprints within 3 days.

When does it start?

Live scan fingerprinting for DMV applicants will start January 1, 2000.

What is the cost to be live scan fingerprinted?

The live scan fingerprinting service fee varies from about \$5 to \$20. The cost to electronically fingerprint the applicant is determined by the local live scan agency. According to DOJ, they can charge a fee sufficient to recover their costs. The \$32 DOJ criminal record check fee is also collected at the live scan site.

What will the applicant need to do to be live scan fingerprinted?

The applicant can call the local police or sheriff’s department to find their local Live Scan sites that are open to the general public. The applicant can also call the department’s Occupational Licensing offices in Sacramento (916) 657-6621 or Los Angeles (213) 744-7563 and be mailed the department’s live scan request form. A sample of the department’s live scan form can be found on the Internet. If the licensee does not use the department’s live scan form, it is suggested that he/she take a sample of the form with them to ensure the live scan has all the information needed for transmitting the data to Occupational Licensing.

Note: the applicant must go to a Live Scan site to be Live Scan fingerprinted before applying for an occupational license at DMV. If you have held an Occupational License issued by DMV in the past 3 years, you may not require a new set of prints.

Where are the live scan sites?

There are more than 130 live scan sites throughout the state. A current list of DOJ’s Live Scan stations is available through DOJ’s internet web page. The internet address is:

<http://caag.state.ca.us/app/contact.pdf>

Or, you may call your local police or sheriff’s department for the nearest Live Scan station that is available to the general public.

What are the benefits of Live Scan?

Live Scan will avoid many of the problems associated with ink prints, such as smudging, smearing, and over or under inking. A major benefit of Live Scan is in processing speed since nearly all of those without criminal records are done within 3 days. Rolled ink prints (traditionally submitted on a fingerprint card) can take 10 to 12 days to process and up to 60 days if there is a criminal record.

VEHICLE REPRESENTATIVE LICENSING AUTHORITY

California Vehicle Code. Sections 512 and 11909. The California Vehicle Code is available for purchase from the Department of Motor Vehicles.

Representative

512. A “representative” is any person regularly employed by a manufacturer or distributor for the purpose of negotiating or promoting the sale of the manufacturer’s or distributor’s vehicles to their franchisees or for regularly supervising or contacting franchisees or prospective franchisees in this state for any purpose.

Added Ch. 996, Stats. 1973. Operative July 1, 1974.

License or Temporary Permit Required

11900. It shall be unlawful for any person to act as a representative on or after January 1, 1974*, without having first procured a license or temporary permit issued by the department or when such license or temporary permit has been canceled, suspended, revoked, or invalidated or has expired.

Amended Ch. 384, Stats. 1974. Operative July 5, 1974, by terms of urgency clause.

NOTE: *This must be interpreted to mean “July 5, 1974” since a statute cannot become operative prior to its effective date.

Application Forms

11901. The department shall prescribe and provide forms to be used for application for licenses to be issued under the terms and provisions of this chapter and require of such applicants, as a condition precedent to issuance of such license, such information touching on and concerning the applicant’s character, honesty, integrity and reputation as it may consider necessary. Every application for a representative’s license shall contain, in addition to such information as the department may require, a statement of the following facts:

- (a) Name and address of the applicant.
- (b) Whether the applicant has ever had a court judgment rendered for which he has been liable as a result of his activity in connection with an occupation licensed under this chapter and whether such judgment remains unpaid or unsatisfied.
- (c) Whether the applicant ever had a license, issued under the authority of this chapter, revoked, suspended, or subjected to other disciplinary action and whether the applicant was ever a partner in a partnership or an officer, director, or stockholder in a corporation licensed under the authority of this chapter, the license of which was revoked, suspended, or subjected to other disciplinary action.
- (d) Name, address, and license number of the manufacturer, manufacturer branch, distributor, or distributor branch employing the applicant.

Added Ch. 996, Stats. 1973. Operative July 1, 1974.

Authority to Issue, Refuse to Issue, Suspend, or Revoke License or Temporary Permit

11902. (a) The department shall issue a representative’s license when it finds and determines that the applicant has furnished the required information, and that the applicant intends in good faith to act as a representative and has paid the fees required by Sections 9262 and 11723.

(b) The department may refuse to issue, or may suspend or revoke, a license for any of the following reasons:

- (1) The information in the application is incorrect.
- (2) The applicant or licensee has been convicted of a crime or committed any act or engaged in any conduct involving moral turpitude which is substantially related to the qualifications, functions, or duties of the licensed activity. A conviction after a plea of nolo contendere is a conviction within the meaning of this section.
- (3) The applicant or licensee has outstanding an unpaid final court judgment rendered in connection with an activity licensed under this chapter.

(4) The applicant or licensee was previously the holder of, or was a business representative of a business which was the holder of, a license and certificate issued under this chapter which were revoked for cause and not reissued by the department or which were suspended for cause and the terms of suspension have not been fulfilled.

(5) The applicant was previously the holder of an occupational license issued by another state, authorizing the same or similar activities of license issued under this division; and that license was revoked or suspended for cause and was never reissued, or was suspended for cause, and the terms of suspension have not been fulfilled.

(6) The applicant or licensee has committed any act prohibited by Section 11713.2 or 11713.3.

(c) Pending the determination of the department that the applicant has met the requirements of this chapter, it may issue a temporary permit to any person applying for a representative's license. The temporary permit shall permit the operation by the representative for a period not to exceed 120 days while the department is completing its investigation and determination of all facts relative to the qualifications of the applicant for a license. The temporary permit is invalid after the applicant's license has been issued or refused.

(d) The department may issue a probationary representative's license based upon the existence of any circumstance set forth in subdivision (b), subject to conditions to be observed in the exercise of the privilege granted, either upon application for the issuance of a license or upon application for the renewal of a license. The conditions to be attached to the exercise of the privilege shall not appear on the face of the license but shall be those which, in the judgment of the department, are in the public interest and suitable to the qualifications of the applicant as disclosed by the application and investigation by the department of the information contained therein.

Amended Ch. 1563, Stats. 1990. Effective January 1, 1991.

Amended Sec. 52, Ch. 877, Stats. 1998. Effective January 1, 1999.

Interim Refusal to Issue or Suspension of License

11902.5. (a) The department, after notice and hearing, on an interim basis, may refuse to issue or may suspend a license issued under this chapter when the applicant or licensee, has been convicted of a crime involving moral turpitude which is substantially related to the qualifications, functions, or duties of the licensed activity, if an appeal of the conviction is pending or the conviction has otherwise not become final. A conviction after a plea of nolo contendere is a conviction with the meaning of this section.

(b) If a conviction, upon which an interim refusal to issue or suspension under subdivision (a) is based, is affirmed on appeal or otherwise becomes final, the refusal to issue or suspension shall automatically take effect as a denial or revocation, as the case may be, of the license. If the interim refusal to issue or suspension was stayed under probationary terms and conditions, the subsequent automatic denial or revocation shall also be stayed under the same terms and conditions for a term not to exceed the original term of probation for the interim refusal or suspension.

(c) If a conviction, upon which an interim refusal to issue or suspension under subdivision (a) is based, is reversed on appeal, the refusal or suspension shall be set aside immediately by the department.

Added Ch. 1563, Stats. 1990. Effective January 1, 1991.

Suspension, Revocation, Refusal to Issue-Hearings, Reapplication

11903. (a) If the department suspends or revokes a representative's license, the licensee shall be entitled to an appropriate hearing. Such hearing shall be conducted pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

(b) If the department issues or renews a representative's license requiring conditions of probation or if the department refuses to issue such license, the applicant shall be entitled to demand in writing a hearing as hereinabove provided before the director or his representative within 60 days after notice of refusal or issuance of the probationary license.

(c) A person whose representative's license has been revoked or whose application for a license has been denied may reapply for such license after a period of not less than one year has elapsed from the effective date of the decision revoking the license or denying the application; provided, however, that if such decision was based upon paragraph (3) or (4) of subdivision (b) of Section 11902, an earlier reapplication may be made accompanied by evidence satisfactory to the department that such grounds no longer exist.

Amended Ch. 934, Stats. 1976. Effective January 1, 1977.

Compromise Settlement Agreement

11903.5. (a) After the filing of an accusation under this article, the director may enter into a stipulated compromise settlement agreement with the consent of the licensee on terms and conditions mutually agreeable to the director, the respondent licensee, and the accuser without further hearing or appeal. The agreement may include, but is not limited to, a period of probation or monetary penalties, or both. The monetary penalty shall not exceed five hundred dollars (\$500) for each violation, and it shall be based on the nature of the violation and the effect of the violation on the purposes of this article.

(b) A compromise settlement agreement may be entered before, during, or after the hearing, but is valid only if executed and filed pursuant to subdivision (d) before the proposed decision of the hearing officer, if any, is adopted or the case is decided.

(c) The department shall adopt, by regulation, a schedule of maximum and minimum amounts of monetary penalties, the payment of which may be included as a term or condition of a compromise settlement agreement entered under subdivision (a). Any monetary penalty included in a compromise settlement agreement shall be within the range of monetary penalties in that schedule.

(d) Any compromise settlement agreement entered under this section shall be signed by the director, the respondent licensee, and the accuser, or by their authorized representatives. The director shall file, or cause to be filed, the agreement with the Office of Administrative Hearings, together with the department's notice of withdrawal of the accusation or statement of issues upon which the action was initiated.

(e) If the respondent licensee fails to perform all of the terms and conditions of the compromise settlement agreement, the agreement is void and the department may take any action authorized by law notwithstanding the agreement, including, but not limited to, refiling the accusation or imposing license sanctions.

Added Ch. 1022, Stats. 1985. Effective January 1, 1986.

Expiration of Representative License

11904. Every representative's license issued hereunder shall expire at midnight on the 30th day of June of each year.

Added Ch. 996, Stats. 1973. Operative July 1, 1974.

Renewal of Representative License

11905. Every application for the renewal of a representative's license which expires on the 30th day of June shall be made by the person to whom issued between June 1st and midnight of June 30th preceding such expiration date and shall be made by presenting the application form provided by the department and by payment of the full annual renewal fee for such license.

Added Ch. 996, Stats. 1973. Operative July 1, 1974.

Automatic Cancellation

11907. The representative's license, or any permit provided for in this chapter, shall be automatically canceled upon the failure of the licensee to file an application for renewal of the license or permit before July 1st following the expiration date of the current license or permit.

Added Ch. 996, Stats. 1973. Operative July 1, 1974.

Department's Authority After Suspension, Expiration or Cancellation of License

11908. The suspension, expiration, or cancellation of the representative's license provided for in this chapter shall not prevent the filing of an accusation for revocation or suspension of the suspended, expired, or canceled license as provided in Section 11903, and the department's decision that such license should be suspended or revoked. Such determination may be considered in granting or refusing to grant any subsequent license authorized by Division 5 (commencing with Section 11100) to such licensee.

Added Ch. 996, Stats. 1973. Operative July 1, 1974.

Posting of License

11909. Upon issuance by the department to the licensee, the license provided in this article shall be immediately delivered to and posted in a place conspicuous to the public at the place of business of the manufacturer, manufacturer's branch, distributor, distributor's branch from which the representative is directly supervised and shall be continuously exhibited in such place while the representative is employed by such employer.

In the event a representative's employment is terminated, the license shall be forwarded to the department by the manufacturer, manufacturer's branch, distributor, distributor's branch not later than the end of the third business day after termination.

Added Ch. 384, Stats. 1974. Operative July 5, 1974.

California Code of Regulations. Title 13, Chapter 1.



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